

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No. \_\_\_\_\_

\_\_\_\_\_  
X

ANDREA K. TANTAROS

*Petitioner;*

-against-

FOX NEWS NETWORK, LLC, FOX CORPORATION,  
INC., ROGER AILES, WILLIAM SHINE,  
JOHN FINLEY, SCOTT BROWN, RICHARD “BO”  
DIETL, AND JOHN DOES 1-10.

**COMPLAINT**

**JURY TRIAL DEMANDED**

*Respondents.*

\_\_\_\_\_  
X

Plaintiff Andrea K. Tantaros (“Plaintiff” or Ms. Tantaros”), files her complaint against Defendants Fox News Network, LLC (“Fox News”), Fox Corporation (“FOX”), Roger Ailes via his Estate (“Ailes”), William Shine (“Shine”), John Finley (“Finley”), Scott Brown (“Brown”), Richard “Bo” Dietl (“Dietl”) and John Does 1-10.

**NATURE OF THE ACTION**

1. For two decades, Fox News was atop the cable news heap, but behind the camera, its creator and CEO, Roger Ailes (“Ailes”), created and commanded a fiefdom of sexual deviancy for a criminal cabal of predators and enforcers that included himself, the network’s male executives, male talent and Friends of Roger (“F.O.R.”) that secretly funneled millions in

shareholder money to create a culture of institutional brutality to prey upon its female talent and inflict career annihilation on women who flatly refused to succumb to its perversion and system of quid pro quo in exchange for career advancement. Friends of Roger were considered VIP guests who were invited to appear on-air, no matter their qualifications, with a promise of access to female talent to fulfill their sexual desires. Many of these men were given paid network contributor contracts in exchange for acting in a dual capacity where their skillsets were applied off air as point men and advisers and contractors for Fox News' infamous Black Room.<sup>1</sup>

2. Fox host, political analyst and columnist, Andrea Tantaros was among the network's most prominent victims of sexual misconduct by men employed by Fox News, heinous forms of retaliation and a decade long smear campaign of abuse and subsequent professional annihilation. Ailes may be gone, but the tactics and modus operandi is still very much alive, active, elaborate and far more powerful than ever. Her rise at the network was a delicate dance of having to prove herself by consistently garnering high ratings while navigating a workplace hellscape of powerful men, many hellbent on blacklisting her from their shows or torpedoing her career when she refused their advances, including Ailes and Finley.

3. Despite documented complaints evidenced in Fox News' own privilege log made by Ms. Tantaros directly and her entertainment attorney, her situation only worsened as Ailes saw her refusal to capitulate to him as a twisted form of ungratefulness and an opportunity to seek sexual vengeance. On April 25, 2016, 12-hours before the launch of her forthcoming book on modern-day feminism, Ms. Tantaros was sent a letter to her personal email suspending her from the

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<sup>1</sup> The Black Room was an in-house Ailes creation of contractors and on-air male talent who acted as advisors and operatives conducting surveillance operations on female employees and 'astroturfing' campaigns that utilized digital armies of fake social media accounts against Ailes' "perceived enemies" (See 21CF Shareholder Derivative Complaint, "Ailes Surveillance and The Black Room" <https://www.scribd.com/document/365008833/21st-Century-Fox-Verified-Derivative-Complaint>). Contributors James Pinkerton would pen anonymous blogs about female talent to either discredit them or sexualize them by posting photos taken by internal Fox cameras of up-skirt shots, leg and chest close-ups and attach erotic headlines and content. Black Room operatives like Mike Baker trained staff in psy-op and intelligence and counterintelligence activities. Contractors like Bo Dietl employed criminal tactics to surveil and monitor Ailes' adversaries. Dietl was responsible for digging up dirt on Andrea Makris, a Fox producer, who sued the network and Bill O'Reilly in 2008.

airwaves indefinitely, accusing her of manufacturing her sexual misconduct, abuse and retaliation claims and publishing her book without permission from the network, despite obtaining all necessary approvals orally and in writing, discussing the book on-air at Fox News months prior to its release, and promoting the book published by Fox News sister company Harper Collins on her closely monitored social media. This egregious act of retaliation expanded to outrageous and false and incredulous accusations that Fox had no knowledge Ms. Tantaros was even writing a book, despite *inter alia* having received written approval from then-General counsel Dianne Brandi on February 19, 2016 to include a glowing quote from Fox and Friends co-host Ainsley Earhardt on the cover of the book...a cover they would incredulously argue “did not fit the image image Fox News seeks to project”.<sup>2</sup>

4. Nine years later, Ms. Tantaros, Fox News and several Senior Executives are still in ongoing arbitration over the concocted allegations by Fox News they were unaware of Ms. Tantaros’ book and her claims against Fox News for sexual harassment, retaliation and hostile workplace. During these long years Fox News has spent tens of millions of shareholder dollars in a campaign of lawfare to plant blatantly false, defamatory and damaging articles about Ms. Tantaros to destroy her professionally and personally. Their constantly evolving roster of outside counsel has attempted to silence her using forced non-disclosure agreements. Her case has *never* been dismissed, only remanded to arbitration, despite Fox-orchestrated articles in allied media outlets. Fox News outside counsel, Barry Asen (“Asen”) and Ronald Green (“Green”) have acted as the pointmen in a coordinated disruptive warfare campaign along with several others to aid and abet Fox News and Fox Corporation in the hiring of outside contractors

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<sup>2</sup> Fox News has approved book covers of female hosts and commentators fully naked on their book jackets, lingerie photo shoots for Anchors in GQ, and a book by Geraldo Rivera recalling orgies with young staff in the basement of newsrooms.

like Pete Snyder to and former Media Relations Chief Brian Lewis to manipulate her social media algorithms, promulgate defamatory smear pieces to undermine her credibility, blacklist her from finding work in media and employing criminal tactics like bribery of her own counsel and electronic surveillance depriving her of any privacy. Both Asen and Green have colluded with the American Arbitration Association to appoint their former law partner and personal attorney Michael G. Berger to serve as arbitrator in her case in violation of 9 U.S.C. § 10(a)(2).

### **PARTIES**

5. Plaintiff Andrea K. Tantaros began working at Fox News in 2010 as a Political Contributor, Columnist and Analyst. During her tenure at Fox News, Ms. Tantaros helmed two number one shows, “The Five” and “Outnumbered”, graced the cover of The New York Observer as Fox’s “It Girl” on the heels of the network’s decision to elevate more youthful, moderate and less acerbic personalities post Fox News’ 2012 embarrassing election debacle and was the channel’s most downloaded columnist on FoxNews.com. By 2013, she had replaced Laura Ingraham’s coveted time-slot of 9 a.m. – noon weekdays on Talk Radio Network with her own show on over 200+ syndicated affiliates across the country and in major media markets as the lead-in to Rush Limbaugh and Sean Hannity. The Andrea Tantaros Show debuted at 78<sup>th</sup> on the Talkers 100 List and quickly shot to number seven (7) in eight short months. In October of 2013 she was featured on the cover of Radio Ink Magazine as “The Future of Talk Radio”. In addition television and radio, Tantaros wrote a weekly syndicated column in the country’s fifty largest newspaper, The New York Daily News, where her weekly columns were known to go viral, driving news cycles for her provocative articles on politics and culture. Prior to her media career, Tantaros was already well-established in prominent Washington, DC circles as a top communications pro and political operative having served as Press Secretary for House

Leadership and in senior positions on Capitol Hill, high-profile Senate, Gubernatorial and Congressional campaigns and in corporate America for multiple Fortune 100 Companies. Plaintiff also served as a political consultant for Elizabeth and Roger Ailes before joining the network full-time.

### **INTRODUCTION**

6. Plaintiff Andrea Tantaros brings this action against Fox Corporation, Fox News Network, and its senior executives and operatives for gender-motivated violence, sexual misconduct and post-employment harassment under federal and state law.

7. As a former Fox News Anchor and Political Analyst, Plaintiff was subjected to egregious sexual misconduct, groping, coercion, and systemic infliction of emotional distress by senior executives and operatives acting under the direction of Roger Ailes and his enablers.

8. Plaintiff was the first woman to formally lodge complaints while employed at Fox News and refused an illegally-structured seven-figure settlement and Non-Disclosure Agreement in May of 2016, long before the scandal erupted at Fox News in July of 2016. Her years of formal complaints lodged herself and through her entertainment attorney led to Fox News' career sabotage, blacklisting, surveillance, defamation, and targeted forms of abuse.

9. Defendants have engaged in a well-documented history of sexual misconduct, institutional cover-ups, and heinous acts against women who exposed their illegal conduct. To date Fox News has paid more than \$200 million dollars in settlements and fines. In 2017, Twenty First Century Fox filed a Shareholder Derivative Complaint exposing Fox News' depraved culture where rampant sexual harassment, misconduct and

spying thrived as females lived in fear of retribution.<sup>3</sup>

10. This lawsuit is distinct from Plaintiff's ongoing arbitration and claims filed in 2017, which concerns separate causes of action and does not preclude this case under res judicata.

11. Due to recent legal reforms, including the Victims of Gender-Motivated Violence Act (GMVA) and the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2022, Plaintiff is entitled to seek justice in open court.

### **PARTIES**

12. Plaintiff Andrea K. Tantaros is a resident of New York.

13. Defendant Fox Corporation is a Delaware corporation headquartered in New York, NY.

14. Defendant Fox News Network, LLC is a wholly owned subsidiary of Fox Corporation.

15. Defendant Roger Ailes ("Ailes") (deceased) was the former CEO of Fox News. Claims against him proceed through his Estate which was illegally and prematurely dissolved in violation of 18 U.S.C. § 1962 (RICO) – Fraudulent conduct in arbitration constitutes a predicate act under racketeering law and New York Debtor & Creditor Law §§ 273-276 – Fraudulent transfers to evade liability through conveyance are unlawful.

16. Defendant William Shine ("Shine") was a senior Fox News executive who acted as a sexual enabler and cover-up agent, facilitating retaliation and surveillance campaigns against victims. He was ousted for his conduct in 2017.<sup>4</sup>

17. Defendant John Finley ("Finley") was a senior Fox News producer who engaged in quid pro quo sexual harassment, groping, and blacklisting of women. He was terminated in 2023 following an internal investigation that unearthed a two-decades long pattern of misconduct and abuse toward females at Fox News, subordinates and young women aspiring to appear on air.<sup>5</sup>

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<sup>3</sup> Jonathan Stempel, "Twenty First Century Fox reaches a \$90 million settlement of shareholder claims arising from the sexual harassment scandal at its Fox News Channel, which cost the jobs of longtime news chief Roger Ailes", Reuters (November 20, 2017) <https://www.reuters.com/article/lifestyle/21st-century-fox-in-90-million-settlement-tied-to-sexual-harassment-scandal-idUSKBN1DK2NE/>.

<sup>4</sup> Maggie Haberman, "Bill Shine Ousted From Fox News July 5, 2018.", <https://www.nytimes.com/2018/07/05/us/politics/bill-shine-white-house-communications.html>

<sup>5</sup> Natalie Korach, "Fired Fox News Executive John Finley Ousted After Findings of a Pattern of Sexual Harassment", Yahoo News, (September 15, 2023) <https://www.yahoo.com/entertainment/fired-fox-news-executive-john-154457700.html>.

18. Defendant Scott Brown (“Brown”) a former U.S. Senator and Fox News contributor publicly groped Plaintiff on August 18, 2015, an incident recorded in Fox’s own privilege log. After his termination from Fox News, Brown served as Ambassador to New Zealand where he was accused of sexual misconduct by two women in 2019.<sup>6</sup>
19. Defendant Beau “Bo” Dietl is a former NYPD detective and Fox News contractor) conducted illegal surveillance, stalking, and reputational sabotage of Plaintiff.<sup>7</sup>

### **JURISDICTION AND VENUE**

20. This Court has federal question jurisdiction under 28 U.S.C. § 1331

and supplemental jurisdiction under 28 U.S.C. § 1367.

21. Venue is proper in this District under 28 U.S.C. § 1391(b) because the events occurred in New York.

### **LEGAL STANDARD**

22. Res judicata does not apply because:

- a. This complaint asserts different causes of action than Plaintiff’s arbitration claims and claims filed in the United States District Court for the Southern District in 2017 that took place during her tenure at the network, not-post employment to present-day.
- b. New laws such as the GMVA and The Ending Forced Arbitration Act of 2022 now allow these claims to be heard in open court.
- c. Plaintiff’s arbitration remains unresolved and is before the S.D.N.Y. for violations of the Federal Arbitration Act (“FAA”), State Law and AAA Rules and Standards.

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<sup>6</sup> Betsy Reed, “More Complaints Surface Over Behaviour of U.S. Ambassador to New Zealand, Scott Brown”, The Guardian, (October 25, 2017) <https://www.theguardian.com/world/2017/oct/26/scott-brown-more-complaints-surface-over-behaviour-of-us-ambassador-to-new-zealand>.

<sup>7</sup> Matthew Rosenthal, “Private Investigator Bo Dietl Says He Was Hired to Spy on Fox News Accuser”, The New York Times, (June 24, 2017) <https://www.nytimes.com/2017/06/24/nyregion/bo-dietl-new-york-mayor.html>.

### **FACTUAL BACKGROUND**

23. Plaintiff was subjected to systematic gender-based violence, harassment, and retaliation while employed at Fox News.

24. Plaintiff formally complained on August 18, 2015 directly to Shine about Scott Brown's groping and unwanted physical contact, which is documented in Fox's privilege log.

25. Defendants engaged in ongoing post-employment retaliation, including blacklisting, digital defamation, surveillance, and algorithmic manipulation of Plaintiff's online presence.

26. The NYC Commission on Human Rights ("NYCCHR") confirmed in 2021 that Fox News engaged in illegal, pervasive sexual harassment and retaliation, abuse, fostering a hostile workplace, spying, blacklisting and planting smear articles about women who complained.<sup>8</sup> Fox News is currently under probation for the NYCCHR's charges and must suspend all arbitration clauses in talent contracts for claims of sexual harassment, misconduct, and abuse.<sup>9</sup> The Commission's findings levied the largest fine in its history against the network and has directly corroborated all of Plaintiff's claims despite Fox News' initially and fraudulently accusing her of being a liar, "an opportunist and a wannabe" (*See Exhibit A: "New York City Commission on Human Rights Report and Charges of Guilt v. Fox News Network, LLC"*).

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<sup>8</sup> Noah Goldberg, "Fox News Deleted Computer Data, Spied on and Blacklisted Employees Who Claimed Sexual Harassment, City Investigation Charged", The New York Daily News (September 21, 2021) <https://www.nydailynews.com/2021/09/21/fox-news-deleted-computer-data-spied-on-text-messages-of-employees-who-claimed-sexual-harassment-city-investigation-charged/>.

<sup>9</sup> Nicole Colarossi, "Fox News Pays \$1 Million Dollar Fine For a Pattern of Human Rights Violations, Agrees to Suspend Arbitration Clauses", Newsweek, (June 29, 2021). <https://www.newsweek.com/fox-news-pay-1-million-pattern-nyc-human-rights-violations-1605315>.



**Roger Ailes Targets Tantaros**

27. Ailes used his position as CEO to summon Ms. Tantaros to regular ‘meetings’ where he attempted to kiss and grope her upon greeting him. The meetings were fronts to have one-on-one face-time alone in his office with female talent where he would dangle the prospect of career advancement and increased airtime in return for ingratiating physical contact.

Ailes incessantly probed Plaintiff about her love life and made inappropriate remarks and requests which she consistently and flatly rejected. Ailes was fired in July of 2016 when Ms. Tantaros was still employed by Fox News but benched by Ailes as retaliation for her ongoing complaints to Senior Management and Human Resources. When word spread Ms. Tantaros had ended a longterm relationship, the sexual misconduct and attempts by men, including Ailes, to cause her emotional distress and embarrassment began to rapidly uptick. Certain guests on Ms. Tantaros’ program “Outnumbered” were hand-picked by Ailes to verbally and physically cause her harm and embarrassment both on and off camera. Ailes was terminated with a \$40 million severance package after multiple women followed Ms. Tantaros’ lead and spoke out publicly against Ailes including Rudi Bakhtiar, Laurie Dhue, Megyn Kelly and Laura Luhn. On August 5, 2015 Ailes verbally berated and humiliated Tantaros in the hallway on her way to a taping of “Hannity” with Fox News Contributor Peter Johnson Jr. Megyn Kelly (“Kelly”) was standing next to Ms. Tantaros after Ailes rudely cracked that “we need to get you a tighter dress” to degrade Plaintiff in front of her colleagues. Kelly put her hand on Plaintiff’s back for support as Plaintiff quipped back that the dress was provided by Fox’s wardrobe department and if he had an issue to ‘take it up with them’ as Ms. Tantaros was only permitted to wear clothing approved and provided by Fox News.

**John Finley, Sexual Predator / Neo-Gatekeeper to Career Advancement and On-Air Appearances**

28. John Finley leveraged his position as Executive Producer of the program “Hannity” to demand sexual favors from upcoming and aspiring on-air talent and subordinates. Said behavior is well-documented with multiple victims during the entirety of Plaintiff’s tenure at the network. Only after Ms. Tantaros departed and more victims came forward was Finley terminated in September of 2023 for this exact pattern of misconduct. In 2011, Plaintiff reported Finley directly to Sean Hannity. Upon learning the extent of Finley’s pervasive sexual misconduct in pursuit of female talent, subordinates and punitive action against women who rebuffed him, including Ms. Tantaros, Finley was finally removed from his position as Executive Producer. He would later be reassigned as Director of Development where he continued his reign of terror toward females like Ms. Tantaros who flatly rejected his physical and verbal advances. However, Fox News allowed Finley’s sexual misconduct to persist for years unabated.

29. His misconduct worsened toward Ms. Tantaros as he was put in charge of launching programs such as The Five where she appeared as an original co-host of the program. He used his position as Interim Executive Producer of “The Five” to harass, bully and undercut Plaintiff’s presence on the program and standing at the network.

30. In 2012, Ms. Tantaros reported Finley’s abusive conduct to her supervisors Shine and Suzanne Scott, now current Fox News CEO. Eventually, Finley was reassigned to supervise other new programs but his open disdain and harassment of Ms. Tantaros continued to plague her throughout her entire career at the network.

31. Throughout 2015 – 2016 her contemporaneous formal complaints to her direct supervisor Shine about both Ailes and Brown were dismissed and subsequent weaponized against her in the form of ‘hit pieces’ in allied or Fox-created media outlets like The Cable Game, The Wrap, TV

Newser or Mediate.

### **Scott Brown Physically Assaults Tantaros in Public**

32. The pervasive culture of sexual misconduct toward Ms. Tantaros continued to spill onto the airwaves as Brown made constant inappropriate and offensive remarks on-set in front of her co-hosts, production team and staff on set. On August 18, 2015, following Brown's appearance on Outnumbered he followed Plaintiff to the in-house luncheonette, Fresh and Co. adjacent to the studio. As she was checking out at the cashier's counter, Brown came up behind her and grabbed her waist from behind pushing his body against hers causing Ms. Tantaros to reel in fear, turnaround and demand he stop. She immediately proceeded to the office of William Shine following the incident to file a contemporaneous report. The incident is documented in Fox News' own Privilege Log of former General Counsel Dianne Brandi. Ms. Tantaros additionally alerted her Executive Producer Jay Soroko to the misconduct and stated she refused to appear on-air with Brown ever again.

### **Tantaros Reports Sexual Misconduct to William Shine**

34. After enduring a year of Finley's mistreatment as a host of The Five, Ms. Tantaros reported Finley to her direct supervisors, William Shine and now-CEO Suzanne Scott. Infamously known as "The Butler", Shine had a defined role as Ailes' enforcer and defender of known predators and a facilitator of sexual trysts and liaisons with talent including Laura Luhn. Despite Plaintiff's multiple meetings with Shine over several years to address the culture of Fox News and incidents of misconduct, including Finley, Ailes and Brown Shine either did nothing to address her serious concerns or responded with intimidation and threats that she needed to "let this one go" and warned "not to fight this" following an incident with Ailes.

### **Bo Dietl's Admitted Campaign of Illegally Surveilling Tantaros**

35. Bo Dietl has a well-documented history of illegal surveillance against females at Fox News using close-in surveillance, electronic surveillance and other means to monitor, spy and dig up dirt to leak to the press to wreck the credibility and reputations of women who have initiated legal action against the network. On June 18, 2017 Dietl told the New York Times in an interview he was retained by Fox News to deploy a twelve-man team to follow Ms. Tantaros and eavesdrop on her conversations. His surveillance of Plaintiff has continued for the past nine years to present day using myriad unlawful methods and techniques.

### **CONCLUSION**

36. While at first glance this Complaint may seem simplistic and routine given Fox News' well established history, by the time all evidence is revealed and presented, this pleading will illustrate one of the most egregious, intentional and elaborate examples of corporate hubris, hostility, malfeasance and depravity inflicted upon an individual in United States history.

### **CLAIMS AND COUNTS**

#### **COUNT I: Violations of the GMVA (NYC Admin. Code § 8-901 et seq.)**

*(Against Roger Ailes, John Finley and Scott Brown)*

37. Defendants engaged in gender-motivated violence, groping, unwanted touching, coercion, and harassment.

#### **COUNT II: Hostile Work Environment (Title VII, NYSHRL, NYCHRL)**

*(Against Fox News, Fox Corporation, Roger Ailes, William Shine, John Finley)*

38. Defendants subjected Plaintiff to a sexually hostile workplace and inflicted emotional distress and harm upon her for refusing advances.

#### **COUNT III: Intentional Infliction of Emotional Distress (IIED)**

*(Against Fox News, Fox Corporation, Roger Ailes, William Shine, John Finley, Bo Dietl)*

39. Defendants engaged in outrageous, extreme, and malicious conduct to destroy Plaintiff's career and mental well-being.

**COUNT IV: Negligent Hiring, Supervision, and Retention**

*(Against Fox News, Fox Corporation)*

40. Fox Corporation and Fox News knowingly employed and protected serial sexual abusers and retaliators.

**COUNT V: Aiding and Abetting Retaliation (Federal & NY Law)**

*(Against William Shine and Bo Dietl)*

41. Shine, Asen, Green, Lewis, and Dietl facilitated and executed retaliation and harassment against Plaintiff. Asen, Green, Lewis and Dietl continue to target Ms. Tantaros to the present day as she is still in active litigation with Fox News.

**COUNT VI: Civil & Criminal Stalking (18 U.S.C. § 2261A, NY Penal Law § 120.45)**

42. Defendants engaged in targeted, electronic surveillance, and HUMINT operations to harass Plaintiff.

**COUNT VII: Computer Fraud & Abuse Act (18 U.S.C. § 1030)**

*(Against Defendants Fox News and Fox Corporation)*

43. Defendants used malware to spy on Plaintiff's communications, delete data, and intercept privileged conversations.

**COUNT VIII: Cyberstalking Statute (18 U.S.C. § 2261A):**

*(Against Defendants Fox News and Fox Corporation)*

44. Defendants weaponized electronic communication systems to engage in a course of conduct that causes Plaintiff substantial emotional distress.

**COUNT IX: Stalking in the Fourth Degree (N.Y. Penal Law § 120.45):**

*(Against Defendants Fox News, Fox Corporation and Bo Dietl)*

45. For Defendants intentional engagement in a course of conduct likely to cause reasonable fear of material harm to Plaintiff's health, safety, or property.

**COUNT X: Aggravated Harassment in the Second Degree (N.Y. Penal Law § 240.30):**

*(Against Defendants Fox News and Fox Corporation)*

46. Prohibiting communication made with intent to harass, annoy, threaten, or alarm another person, including electronic communications likely to cause annoyance or alarm.

**COUNT XI: Unauthorized Use of a Computer (N.Y. Penal Law § 156.05)**

*(Against Defendants Fox News and Fox Corporation)*

47. Defendants knowingly accessed Plaintiff's phone, computer, computer service, and network without authorization.

**COUNT XII: Computer Trespass (N.Y. Penal Law § 156.10):**

*(Against Defendants Fox News and Fox Corporation)*

48. Addresses Defendant Fox News and Fox Corporation's unauthorized use of a computer with the intent to commit or attempt to commit an additional felony, or knowingly gaining access to computer material without authorization.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests:

- a) Compensatory damages;
- b) Punitive damages;
- c) Injunctive relief against further retaliation;
- d) Attorneys' fees and costs;
- e) Any other relief deemed just and proper.

**Jury Trial Requested**

Dated: February 27, 2025

Respectfully submitted,



Andrea K. Tantaros  
*Plaintiff*  
302A West 12<sup>th</sup> Street  
Suite 120  
New York, New York 10014  
Ph: 917-923-5160  
[andreaktantaros@tutanota.com](mailto:andreaktantaros@tutanota.com)